

Session 115 - (2003-2004)

S 0840 Joint Resolution, By McConnell, Moore, Martin, Drummond, Ritchie, Ford, Courson, Richardson, Kuhn, Ryberg, Leatherman, Thomas, Rankin, Fair, Land, Giese, Malloy, Gregory, Knotts, Peeler, Setzler, J.V. Smith, Alexander and Cromer

Summary: Restructuring of state government, constitutional amendment

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, BY ADDING SECTION 37, SO AS TO PROVIDE THAT THE SENATE MUST ELECT FROM AMONG ITS MEMBERS A PRESIDENT OF THE SENATE TO PRESIDE OVER THE SENATE AND TO PERFORM OTHER DUTIES AS PROVIDED BY LAW; PROPOSING AN AMENDMENT TO SECTION 8, ARTICLE IV, RELATING TO THE ELECTION, QUALIFICATIONS AND TERM OF THE LIEUTENANT GOVERNOR, SO AS TO PROVIDE FOR THE JOINT ELECTION OF THE GOVERNOR AND LIEUTENANT GOVERNOR; PROPOSING AN AMENDMENT TO ARTICLE IV, RELATING TO THE PRESIDENT PRO TEMPORE OF THE SENATE, SO AS TO DELETE SECTION 9 WHICH PROVIDES THAT THE SENATE MUST CHOOSE A PRESIDENT PRO TEMPORE AND WHICH ALSO PROVIDES THAT A MEMBER OF THE SENATE ACTING AS LIEUTENANT GOVERNOR VACATES HIS SEAT AND ANOTHER PERSON IS ELECTED IN HIS STEAD; PROPOSING AN AMENDMENT TO ARTICLE IV, RELATING TO THE LIEUTENANT GOVERNOR AS PRESIDENT OF THE SENATE, BY DELETING SECTION 10 WHICH PROVIDES THAT THE LIEUTENANT GOVERNOR IS THE PRESIDENT OF THE SENATE; PROPOSING AN AMENDMENT TO SECTION 12, ARTICLE IV, RELATING TO THE DISABILITY OF THE GOVERNOR, SO AS TO PROVIDE THAT IF BOTH THE ATTORNEY GENERAL AND THE STATE TREASURER TRANSMIT TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES A WRITTEN DECLARATION THAT THE GOVERNOR IS UNABLE TO DISCHARGE THE POWERS AND DUTIES OF HIS OFFICE, THE LIEUTENANT GOVERNOR MUST ASSUME THE POWERS AND DUTIES OF THE OFFICE AS ACTING GOVERNOR; PROPOSING AN AMENDMENT TO SECTION 15, ARTICLE V, RELATING TO THE QUALIFICATIONS OF JUSTICES AND JUDGES, SO AS TO DELETE AN OBSOLETE PARAGRAPH WHICH PROVIDES FOR CERTAIN QUALIFICATIONS OF SITTING JUSTICES AND JUDGES; PROPOSING AN AMENDMENT TO SECTION 18, ARTICLE V, RELATING TO VACANCIES IN THE SUPREME COURT, COURT OF APPEALS, OR CIRCUIT COURT, SO AS TO PROVIDE THAT A VACANCY MAY BE FILLED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE; PROPOSING AN AMENDMENT TO SECTION 5, ARTICLE VI, RELATING TO THE OATH OF OFFICE FOR EXECUTIVE OFFICERS, SO AS TO DELETE MEMBERS OF THE GENERAL ASSEMBLY FROM THE SECTION AND TO MAINTAIN OATHS FOR MEMBERS OF THE GENERAL ASSEMBLY UNDER ARTICLE III, SECTION 26; PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE ADJUTANT GENERAL, COMMISSIONER OF AGRICULTURE, COMPTROLLER GENERAL, SECRETARY OF STATE, AND SUPERINTENDENT OF EDUCATION FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT UPON THE EXPIRATION OF THE TERMS OF THESE OFFICERS SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THESE PROVISIONS, THEY MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE FOR TERMS COTERMINOUS WITH THAT OF THE GOVERNOR, EXCEPT FOR THE COMPTROLLER GENERAL WHO SHALL BE NOMINATED BY THE GOVERNOR, APPROVED BY UNANIMOUS VOTE OF THE GOVERNOR, THE STATE TREASURER, THE CHAIRMAN OF THE WAYS AND MEANS COMMITTEE OF THE HOUSE OF REPRESENTATIVES, AND THE CHAIRMAN OF THE FINANCE COMMITTEE OF THE SENATE, SUBJECT TO THE ADVICE AND CONSENT OF THE SENATE; PROPOSING AN AMENDMENT TO SECTION 4, ARTICLE XIII, RELATING TO THE ADJUTANT GENERAL AND HIS STAFF OFFICERS, SO AS TO UPDATE REFERENCES TO HIS TITLE AND TO PROVIDE THAT UPON THE EXPIRATION OF THE TERM OF THE ADJUTANT GENERAL SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THESE PROVISIONS, HE MUST BE APPOINTED BY THE GOVERNOR; AND PROPOSING AN AMENDMENT TO SECTION 1, ARTICLE XI, RELATING TO THE STATE BOARD OF EDUCATION, SO AS TO ABOLISH THE BOARD EFFECTIVE UPON THE STATE SUPERINTENDENT OF EDUCATION BEING APPOINTED BY THE GOVERNOR.

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